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ENVIRONMENTAL PROTECTION
OFFICE OF POLICY, PLANNING AND SCIENCE
COASTAL MANAGEMENT OFFICE

Coastal Zone Management rules

Proposed Amendments: N.J.A.C. 7:7E-5.2, 5B.3, 5B.4, and 7:7E Appendices 2, 3, 4

Proposed New rule: N.J.A.C. 7:7E-5B.6 and 7:7E Appendix 5

Authorized By: Bradley M. Campbell, Commissioner, Department of Environmental Protection

Authority: N.J.S.A. 13:19-1 et seq.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

DEP Docket Number: 17-05-05/510

Proposal Number: PRN 2005-233

A public hearing concerning this proposal will be held on Thursday, August 11, 2005, starting at 10 a.m. at:

Richard Stockton College of New Jersey
Townsend Residential Life Center Multi Purpose Room
Jimmy Leeds Road, Pomona New Jersey 08240

Submit written comments by September 3, 2005 to:

Gary Brower, Esq.
Office of Legal Affairs
Attn: DEP Docket Number 17-05-05/510
NJ Department of Environmental Protection
401 East State Street
P.O. Box 402
Trenton, NJ 08625-0402

The Department of Environmental Protection (Department) requests that commenters submit comments on 3-1/2 inch diskettes as well as on paper. The Department will be able to upload the

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comments onto its office automation equipment. The Department will use the paper version of the comments to ensure that the uploading was accomplished successfully. Submittal of comments on diskette is not a requirement. The Department prefers Microsoft Word 6.0 or above; however, other word processing software that can be read or used by Microsoft Word 6.0 is acceptable. MacIntosh formats should not be used.

The proposal can be viewed or downloaded on the Department's web site at <http://www.state.nj.us/dep>.

The agency proposal follows:

Summary

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

The 1993 amendments to the Coastal Area Facility Review Act (CAFRA), N.J.S.A. 13:19-1 et seq., required that the rules adopted to implement those amendments be closely coordinated with the State Development and Redevelopment Plan (State Plan). In response to these statutory amendments, the Department adopted new rules for determining impervious cover limits and vegetative cover percentages for sites in the CAFRA area based on the site's location in a CAFRA center, core or node, Coastal Planning Area or coastal center (see 32 N.J.R. 503(a), February 7, 2000) with higher impervious cover allowed in a coastal or CAFRA center. These rules were intended to encourage development in areas with existing development and infrastructure, discourage sprawl development, and protect sensitive natural resources. At that time, the boundaries of coastal centers located on barrier islands, oceanfront spits and peninsulas (described in chapter Appendix 3 of the existing Coastal Zone Management (CZM) rules N.J.A.C. 7:7E) were not given an expiration date because these areas were already intensively developed. However, a five-year expiration date was imposed on the boundaries of coastal centers located on the less developed mainland (described in chapter Appendix 2 of the existing

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CZM rules). These coastal centers were adopted by the Department as an interim measure to accommodate planned imminent development until the municipalities containing coastal centers on the mainland had been given the opportunity to obtain center designation through the State Planning process, which is a prerequisite to obtaining CAFRA center status.

To accommodate this planned imminent development, the Department delineated the boundaries for coastal centers located on the mainland recognizing as much compact development as possible including buildings, pavement, and other structures with impervious surfaces. Because these coastal centers were only intended to be an interim measure, they were not the result of a comprehensive planning analysis such as that provided by the State Planning Commission's plan endorsement process. The plan endorsement process under which the State Planning Commission designates centers provides the mechanism for determining whether a particular center is capable of accommodating the long-term growth and development needs of a community while safeguarding the coastal resources of the CAFRA area. In recognition that the coastal centers located on the mainland were an interim measure, a five-year term was established for the boundaries of these centers, expiring on February 7, 2005. This term was intended to provide sufficient time for municipalities to obtain center designation through the State Planning process and ultimately achieve CAFRA center status.

On December 7, 2004, the Department received a petition for rulemaking from the New Jersey Builders Association. The Builders Association petition requested that the Department amend N.J.A.C. 7:27E-5B.3(g) to extend the expiration of the boundaries of the coastal centers listed in Appendix 2 of the CZM rules from February 7, 2005 to February 7, 2010 (see 37 N.J.R. 360(b), January 18, 2005). A second petition for rulemaking from K. Hovnanian Shore Acquisitions, LLC was received by the Department on January 10, 2005 (see 37 N.J.R. 537(a), February 7, 2005). This petition also requested that boundaries of the coastal centers in Appendix 2 be extended through February 7, 2010. However, in the alternative, the petitioner

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requested that the Department either extend the Middle Township coastal centers pending a final decision on the Middle Township plan endorsement application by the State Planning Commission, or extend the Cape May Court House coastal regional center for a period of five years.

The Department denied both petitions for rulemaking because it was not in the public interest to extend the expiration of these coastal center boundaries for an additional five years. However, the Department also indicated that it had been made aware of a number of circumstances in which the equities of a proposed development or a particular municipality may warrant focused relief from the strict limitations on impervious cover in the lapsed coastal centers located on the mainland (see 37 N.J.R. 794(a), March 7, 2005 and 37 N.J.R. 1234(a), April 18, 2005). The Department in its response to the K. Hovnanian petition also indicated that it was considering undertaking rulemaking to provide limited relief to those municipalities that were actively engaged in the State Planning process prior to the February 7, 2005 expiration of the boundaries of coastal centers in Appendix 2.

After consideration of information presented to the Department and in recognition that some local governments have committed substantial time and money on diligent efforts to obtain plan endorsement from the State Planning Commission, the Department has determined it is appropriate to re-establish the boundaries of coastal centers located on the mainland that expired on February 7, 2005 for a limited term and in limited circumstances as follows.

First, it is proposed that the interim boundaries of coastal centers located on the mainland in municipalities that have formally initiated the State Planning process prior to July 5, 2005 (as set forth in Appendix 2) be re-established as of the effective date of these amendments and new rules, subject to a determination from the Office of Smart Growth prior to March 15, 2006 that the initial petition for plan endorsement is complete.

Second, it is proposed that the interim boundaries of coastal centers located on the

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mainland in municipalities that have not formally initiated the State Planning process prior to July 5, 2005 (as set forth in chapter Appendix 4) may be re-established if the municipality accomplishes, within established time frames, the steps necessary to complete an initial petition for plan endorsement, and receives a determination from the Office of Smart Growth that its initial petition is complete prior to March 15, 2006.

In either case, the re-established boundaries will remain effective until they expire on March 15, 2007 or until the municipality's petition for initial plan endorsement has been approved by the State Planning Commission and the Department has determined the appropriateness of the State Planning Commission approved center boundary as a CAFRA center boundary, whichever occurs first.

As described in further detail in the section-by-section analysis below, wetlands, endangered or threatened wildlife habitat, Natural Heritage Program priority sites, open space, special water resource protection areas and Coastal Critical Environmental Sites within the re-established mainland coastal center boundary would not be considered part of the mainland coastal center except for CAFRA permit applications received prior to February 7, 2005.

Finally, the Department has proposed that the rules provide relief to those proposed developments located in mainland coastal centers that had filed for a CAFRA permit application before February 7, 2005 and received an agency file number. In those instances, the developments may utilize the impervious cover limits and vegetative percentages applicable before the February 7, 2005 expiration date of the interim coastal centers, provided the application is complete for final review prior to March 15, 2006.

A more detailed description of the amendments and new rules proposed follows:

N.J.A.C. 7:7E-5.2 Definitions

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To facilitate the re-establishment of the mainland coastal centers and their boundaries, the definition of coastal center is being amended to clarify that there are two types of coastal centers, mainland coastal centers and non-mainland coastal centers. The mainland coastal centers are those identified in Appendix 2. Mainland coastal centers are not located on barrier islands, oceanfront spits or peninsulas. Non-mainland coastal centers are listed in Appendix 3 of the rules and are located on barrier islands, oceanfront spits or peninsulas. For the reasons described above, the non-mainland centers described in Appendix 3 did not expire on February 7, 2005 and, other than the added description of these centers as “non-mainland,” are unaffected by these proposed amendments.

Definitions of “Coastal Critical Environmental Site” and “Critical Environmental Site” are being proposed. These terms are being defined for the purposes of applying the impervious cover limits and vegetative cover percentages for mainland coastal centers pursuant to proposed N.J.A.C. 7:7E-5B.6.

N.J.A.C. 7:7E-5B.3 Boundaries for Coastal Planning Areas, CAFRA centers, CAFRA cores and CAFRA nodes; Non-mainland coastal centers

This proposal re-establishes certain coastal centers and their boundaries that are located on the mainland and expired on February 7, 2005. These centers are called mainland coastal centers. A new section, N.J.A.C. 7:7E-5B.6, is being proposed to describe the mainland coastal centers, the terms applicable to mainland coastal centers, and the limitations on development in the mainland coastal centers. As a result of the proposed amendments, N.J.A.C. 7:7E-5B.3(g) will contain the standards applicable to non-mainland coastal centers while proposed N.J.A.C. 7:7E-5B.6 will contain the standards applicable to mainland coastal centers. Therefore the section heading of N.J.A.C.7:7E-5B.3 is proposed to be amended to reflect the fact that it does not include all coastal centers, only the non-mainland coastal centers.

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N.J.A.C. 7:7E-5B.4 Impervious cover limits for a site in the CAFRA area

N.J.A.C. 7:7E-5B.4 sets forth the impervious cover limits for sites located in the CAFRA area based on the site's location in a CAFRA center, core or node, Coastal Planning Area or coastal center. N.J.A.C. 7:7E-5B.4(d) is being amended to cross-reference the limitations on impervious cover limits for the mainland coastal centers at N.J.A.C. 7:7E-5B.6(g).

N.J.A.C. 7:7E-5B.6 Mainland coastal centers

As noted previously, the boundaries of coastal centers in Appendix 2 expired on February 7, 2005. Proposed N.J.A.C. 7:7E-5B.6 describes mainland coastal centers and how a coastal center with a boundary that expired on February 7, 2005 becomes a mainland coastal center. In addition it sets forth the expiration for mainland coastal centers and the impervious cover limits and vegetative cover percentages for development in mainland coastal centers. Below is a listing of the mainland coastal centers that are re-established in accordance with proposed N.J.A.C. 7:7E-5B.6(b)1 upon the effective date of these amendments and new rules. Additional mainland coastal centers may be re-established on the effective date of these amendments and new rules in accordance with proposed N.J.A.C. 7:7E-5B.6(b).

I. Cape May County

A. Dennis Township

1. Clermont
2. Dennisville
3. Eldora
4. Ocean View
5. South Dennis
6. South Seaville

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B. Middle Township

1. Cape May Court House
2. Del Haven
3. Goshen
4. Green Creek
5. Rio Grande
6. Swainton
7. Whitesboro/Burleigh

C. Upper Township

1. Marmora/Beeley's Point/Palermo
2. Petersburg
3. Seaville
4. Tuckahoe

II. Cumberland County

A. Downe Township

1. Dividing Creek
2. Fortescue
3. Newport

B. Fairfield Township

1. Fairton

C. Greenwich Township

1. Greenwich
2. Othello
3. Springtown

D. Hopewell and Stow Creek Townships

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1. Roadstown

III. Ocean County

A. Dover Township

1. Toms River

B. Ocean Township

1. Waretown

Proposed N.J.A.C. 7:7E-5B.6(a) provides that mainland coastal centers and their boundaries are listed in Appendix 2 and are re-established as of the effective date of these amendments and new rules in accordance with N.J.A.C. 7:7E-5B.6(b)1. Coastal centers with boundaries that expired on February 7, 2005, that are not re-established as a mainland coastal center upon adoption of this proposal, are found in Appendix 4. These centers may be re-established as mainland coastal centers in accordance with N.J.A.C. 7:7E-5B.6(b)2.

Proposed N.J.A.C. 7:7E-5B.6(b) sets forth the criteria to re-establish mainland coastal centers. The Department evaluated the steps that those municipalities actively involved in the State Planning process have achieved over the past five years and found that a number of municipalities have expended significant time and money in preparing the documents required for initial plan endorsement. A pre-petition meeting with staff of the Department of Community Affairs's Office of Smart Growth is the first significant step in a municipality pursuing plan endorsement under the State Planning process. Accordingly, the Department has determined, and is proposing at N.J.A.C. 7:7E-5B.6(b)1, that the boundaries of any coastal center in a municipality that has participated in a pre-petition meeting prior to July 5, 2005 be re-established in order to give those municipalities time to complete the plan endorsement process necessary to establishing State Planning centers, which are a prerequisite to consideration for designation of the center as a CAFRA center. In order to ensure that these municipalities continue their progress toward plan endorsement, proposed N.J.A.C. 7:7E-5B.6(c)1 also provides that the re-

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established mainland coastal center boundaries remain in effect only if the municipality containing the center continues to progress through the plan endorsement process. To demonstrate continuing progress, prior to March 15, 2006, the municipality must obtain a determination from the Executive Director of the Department of Community Affairs's Office of Smart Growth in accordance with N.J.A.C. 5:85-7.5, that the petition for initial plan endorsement is complete or the boundaries of the mainland coastal center shall expire.

In order to provide additional relief and further the comprehensive planning analysis afforded by the plan endorsement process, proposed N.J.A.C. 7:7E-5B.6(b)2 provides municipalities with expired coastal center boundaries the opportunity to re-establish the center as a mainland coastal center, provided three conditions are met. In order to qualify under this proposed paragraph, first a municipality must, by August 4, 2005, submit to the Office of Smart Growth a resolution of the municipal governing body requesting a pre-petition meeting in accordance with N.J.A.C. 5:85-7.3. The resolution shall identify the expired coastal centers described in Appendix 4 that the municipality seeks to re-establish. Only the expired coastal centers identified in the resolution shall be re-established, and only upon satisfaction of all three criteria at N.J.A.C. 7:7E-5B.6(b)2. Secondly, prior to October 15, 2005, the municipality must hold a pre-petition meeting with the Office of Smart Growth. Lastly, prior to March 15, 2006 the municipality in which the center is located must obtain a determination by the Executive Director of the Department of Community Affairs's Office of Smart Growth, in accordance with N.J.A.C. 5:85-7.5, that its initial petition for plan endorsement is complete. The mainland coastal center and its boundaries will only be considered re-established when the municipality has satisfied these three requirements. Until that time impervious cover and vegetative cover percentages will be calculated in accordance with N.J.A.C. 7:7E-5B.4(e) and 5B.5 respectively. The Department is requiring that these municipalities complete these steps prior to the re-establishment of mainland coastal centers in order to demonstrate commitment to the State

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Planning process.

Pursuant to proposed N.J.A.C. 7:7E-5B.6(c), the boundaries of the mainland coastal centers in Appendix 2 shall expire on either March 15, 2006, if the municipality as required at N.J.A.C. 7:7E-5B.6(c)1 above does not obtain a determination that their initial petition for plan endorsement is complete, or March 15, 2007. The expiration dates will ensure that the municipalities continue the State Planning process and provide the municipalities involved sufficient time to obtain plan endorsement, a necessary prerequisite to establishing a CAFRA center, in accordance with N.J.A.C. 7:7E-5B.3(b).

In order to make it clear to the public and the regulated community when the boundaries of a coastal center are established pursuant to N.J.A.C. 7:7E-5B.6(a) and (b), or a mainland coastal center boundary expires because the municipality has failed to obtain a determination of completeness from the Executive Director of the Department of Community Affairs's Office of Smart Growth prior to March 15, 2006 pursuant to N.J.A.C. 7:7E-5B.6(c), proposed N.J.A.C. 7:7E-5B.6(d) provides that the Department shall publish an administrative notice in the New Jersey Register of such changes.

Although the proposed amendments provide for the re-establishment of the boundaries of coastal centers that expired on February 7, 2005, and thus application of higher impervious cover limits in these areas, they also include protections for environmentally sensitive areas. In accordance with proposed N.J.A.C. 7:7E-5B.6(e), certain environmentally sensitive areas are not considered part of the mainland coastal center in order to protect water and natural resources, except in limited circumstances. The environmentally sensitive areas that are not considered part of the mainland coastal center include endangered and threatened wildlife species habitat, Natural Heritage Program priority sites, open space, special water resource protection areas, wetlands, and Coastal Critical Environmental Sites. However, due to the investment in pursuing development applications, for CAFRA permit applications received by the Department prior to

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February 7, 2005, these areas are considered to be part of the mainland coastal center. While these areas will be considered part of the mainland coastal center, development proposed in these portions of the site will still have to comply with all requirements applicable to impacts on such areas, including the requirements of the Freshwater Wetlands Protection Act rules and any other applicable rules.

Endangered and threatened species are species identified on official Federal or State lists of endangered or threatened species, or under active consideration for State or Federal listing. Endangered and threatened wildlife species habitats are areas known to be inhabited by threatened or endangered species, on a seasonal or permanent basis. Endangered and threatened species habitat also includes habitat critical at any stage in the life cycle of any wildlife identified as endangered or threatened. These areas are identified on the Department's Landscape Maps of Habitat for Endangered, Threatened or Other Priority Species (known as the Landscape Maps). The Landscape Maps are available at the CAFRA Planning Map layers webpage: www.nj.gov/dep/gis/CAFRAlayers.htm.

Natural Heritage Program priority sites are the best habitat for rare plant and animal species and exemplary natural communities. These sites have been identified as top priorities for preservation of biological diversity. These sites contain some of the best and most viable occurrences of endangered and threatened species and natural communities in New Jersey. In some cases, urban lands are included within the boundary of a Natural Heritage Program priority site. These lands are mapped in the URBAN lands layer extracted from the NJDEP Land Use/Land Cover GIS data set, available as a download at the CAFRA Planning Map layers webpage: www.nj.gov/dep/gis/CAFRAlayers.htm. The urban lands identified in the URBAN lands layer are not excluded from the mainland coastal center because they are characterized by intensive use and the landscape has been altered by human activity. Both the Natural Heritage Program priority site data and the URBAN lands data are available at the CAFRA Planning Map

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layers webpage: www.nj.gov/dep/gis/CAFRAlayers.htm. Open space is land that is owned by Federal, State, county or municipal agencies or conservation organizations and dedicated to recreation, conservation of natural resources, wildlife protection, or wildlife management.

Special water resource protection areas are established under the Stormwater Management rules, N.J.A.C. 7:8, along Category One waters, which are waters of exceptional value and water quality characteristics. A special water resource protection area extends 300 feet to either side of the waterway, unless modified as provided under the Stormwater Management rules through a stream corridor protection plan. Surface waters that are designated Category One are listed in the Surface Water Quality Standards, N.J.A.C.7:9B

Critical Environmental Sites are sites established under the State Plan that are less than one square mile and single out elements of natural systems, small areas of habitat, and other environmental features that should be protected. Where such sites have been reviewed and accepted by the Department for CAFRA purposes, they are known as Coastal Critical Environmental Sites. These data are available at the CAFRA Planning Map layers webpage: www.nj.gov/dep/gis/CAFRAlayers.htm.

Wetlands are defined in the Coastal Zone Management rules at N.J.A.C. 7:7E-3.27 as areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. They include both tidal and freshwater wetlands.

This proposal differentiates the impervious cover limits applicable to a site within the boundaries of a mainland coastal center depending on whether the application was received before or after February 7, 2005. Pursuant to proposed N.J.A.C. 7:7E-5B.6(f), if a CAFRA permit application was received by the Department prior to February 7, 2005 and assigned a file number pursuant to N.J.A.C. 7:7-4.4(a)1i or ii, the impervious cover limit for any portion of the

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site within the mainland coastal center boundary is determined in accordance with N.J.A.C. 7:7E-5B.4(d) for a coastal center, in recognition of the applicant's investment in the proposed development. The applicant must ensure that the application is complete for final review in accordance with N.J.A.C. 7:7-4.6 prior to March 15, 2006 to retain this special recognition.

However, in order to further protect coastal resources, proposed N.J.A.C. 7:7E-5B.6(g) places additional limitations on CAFRA permit applications for development in mainland coastal centers received by the Department after February 6, 2005. In this situation, the subsection provides that if any development is proposed outside the boundary of the mainland coastal center or in one of the six environmentally sensitive areas described above, the impervious cover limits for the mainland coastal center do not apply to any portion of the site. Instead, the impervious cover limits and vegetative cover percentages for the appropriate Coastal Planning Area, at N.J.A.C. 7:7E-5B.4(e) and 7:7E-5B.5 respectively, apply.

As noted above, Critical Environmental Sites were established by the State Planning Commission under the State Development and Redevelopment Plan. The Department carefully examined the Critical Environmental Site boundaries and the purposes for which they were established, in order to determine whether these Critical Environmental Sites delineate areas that warrant special protection under CAFRA. Based on its examination, the Department has determined that the boundaries approved by the State Planning Commission on the current State Plan Policy Map are consistent with the purposes of CAFRA and will not result in unacceptable harm to the coastal ecosystem or the resources of the built or natural environment. The protection of Critical Environmental Sites from intense development furthers the CAFRA statutory mandates and the goal of preserving the most ecologically sensitive and fragile area from inappropriate development and providing environmental safeguards for development in the CAFRA area. Accordingly the Department has incorporated the current Critical Environmental Sites into this subsection as Coastal Critical Environmental Sites.

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Proposed N.J.A.C. 7:7E-5B.6(h) provides that the boundaries of the Critical Environmental Sites formally approved by the State Planning Commission as of March 1, 2001 are the boundaries of the Coastal Critical Environmental Sites. As noted previously, Coastal Critical Environmental Sites are not considered part of mainland coastal centers when reviewing applications received after February 6, 2005. Moreover, if a CAFRA application received after this date proposes development located in a Coastal Critical Environmental Site, the application will not be eligible to apply the impervious cover limits of a mainland coastal center. The boundaries of the Coastal Critical Environmental Sites will remain in effect unless the Department accepts a new or changed boundary that has been formally approved by the State Planning Commission, or rejects a State Planning Commission boundary and subsequently promulgates a revised boundary. The process for the Department to accept or revise boundaries formally approved by the State Planning Commission is set forth at proposed N.J.A.C. 7:7E-5B.6(h).

Proposed N.J.A.C. 7:7E-5B.6(h) also provides that for Critical Environmental Sites located in the Pinelands National Reserve and CAFRA area, the Department will consult with the New Jersey Pinelands Commission to determine whether the Critical Environmental Site boundaries are consistent with the intent, policies and objectives of the National Parks and Recreation Act of 1978, P.L. 85-625, section 502. Proposed N.J.A.C. 7:7E-5B.6(h) further provides that within 90 days after the State Planning Commission formally approves a new or changed Critical Environmental Site, the Department shall review the boundary and publish notice in the New Jersey Register that the Department has accepted, rejected, or rejected and revised the new or changed boundary. This evaluation process will ensure that the Department specifically determines that the areas characterized by the State Planning Commission as warranting protection are also appropriate for protection under CAFRA. This process is consistent with the process the Department uses to determine if new or changed boundaries for centers or planning

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areas approved by the State Planning Commission are appropriate for CAFRA.

If the Department accepts the State Planning Commission's new or changed boundary in accordance with N.J.A.C. 7:7E-5B.6(h)1, the accepted boundary will become the boundary of the Coastal Critical Environmental Site. The new boundary shall be operative within 30 calendar days after the date of publication in the New Jersey Register that the boundary has been accepted.

Proposed N.J.A.C. 7:7E-5B.6(h)2 provides that if the Department rejects the State Planning Commission's new or changed boundary, the boundaries incorporated by reference under this proposal remain operative.

Proposed N.J.A.C. 7:7E-5B.6(h)3 will allow the Department to reject and revise the State Planning Commission's formally approved Critical Environmental Site boundaries. This provision will ensure that the boundaries used for CAFRA implementation reflect consistency with the purposes of CAFRA. The process for rejecting and revising such boundary will include promulgation of an amendment to this chapter in accordance with the Administrative Procedure Act. This requirement will ensure adequate public input into any decision regarding boundary changes that were not previously subject to the State Planning Commission process.

APPENDIX 2 - BOUNDARIES OF MAINLAND COASTAL CENTERS IN THE CAFRA AREA

The heading of Appendix 2, Boundaries of Coastal Centers in the CAFRA Area Not Located on Barrier Islands, Oceanfront Spits or Peninsulas, is being amended to reflect the change in terminology. Further, the listing of coastal centers within this appendix is being amended to include only those centers and boundaries that are re-established as mainland coastal centers at the time of this proposal pursuant to N.J.A.C. 7:7E-5B.6(b)1 and to cross-reference the limitations on mainland coastal centers at N.J.A.C. 7:7E-5B.6(e). No changes to the boundaries

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of the re-established coastal centers are proposed. Pursuant to N.J.A.C. 7:7E-5B.6(d), this appendix, as well as Appendix 4, will be updated by notice of administrative change in the New Jersey Register when an expired boundary of a coastal center is re-established as the boundary for a mainland coastal center, or a mainland coastal center boundary expires pursuant to proposed N.J.A.C. 7:7E-5B.6(c).

APPENDIX 3 – BOUNDARIES OF NON-MAINLAND COASTAL CENTERS IN THE CAFRA AREA

The heading of Appendix 3, Boundaries of Coastal Centers in the CAFRA Area Located on Barrier Islands, Oceanfront Spits or Peninsulas, is being amended to reflect the change in terminology. No changes are proposed to either the listing of the coastal centers or the boundary descriptions contained within this appendix.

APPENDIX 4- EXPIRED BOUNDARIES OF COASTAL CENTERS

This new appendix contains the expired boundaries of the coastal centers not located on barrier islands, oceanfront spits or peninsulas that expired February 7, 2005. These coastal centers were formerly codified in Appendix 2, and are not being re-established at the time of this proposal pursuant to N.J.A.C. 7:7E-5B.6(a) and (b) as the municipalities containing these centers have not participated in a pre-petition meeting with the Office of Smart Growth prior to July 5, 2005. No changes to the coastal center boundaries that expired as of February 7, 2005 are proposed. The coastal centers listed in this appendix may qualify as a mainland coastal center pursuant to N.J.A.C. 7:7E-5B.6(b)2.

APPENDIX 5 – CAFRA CENTERS

The listing of CAFRA centers currently codified as Appendix 4 is being recodified as

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Appendix 5 with no changes to the CAFRA center listings.

Social Impact

The proposed amendments and new rules will provide a positive social impact as they further the involvement of municipalities and their citizens in the State Planning process, which is a mechanism for determining the long-term growth and development needs of a community and where these needs can be accommodated while safeguarding coastal resources. Further, the proposed amendments and new rules are designed to provide relief to those municipalities and developers that have expended considerable time and funds in pursuing plan endorsement or specific development projects. The proposed amendments and new rules will have a positive social impact as they further the statutory mandate to develop compatible land uses in order to preserve the most ecologically sensitive and fragile areas from development by encouraging development in compact growth areas and limiting it in outlying and environmentally sensitive areas. The proposed amendments and new rules continue to support a comprehensive planning process that will allow counties and municipalities a greater role in coastal planning initiatives.

Economic Impact

As noted in the notices of action on petitions for rulemaking, the Department has been made aware of a number of circumstances in which the equities of a proposed development or a particular municipality may warrant focused relief from the strict limitations on impervious cover in the lapsed mainland coastal centers. The proposed amendments and new rules will have a positive economic impact insofar as they provide relief to those municipalities and proposed developments that are actively involved in the CAFRA permitting process. The extent of the economic impact will be dependent upon the size of the proposed development, the funds that have been invested in the development and the degree of changes that would be required if the

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coastal centers on the mainland were not re-established.

Further, the proposed amendments and new rules will have a positive economic impact on those local governments that have committed substantial time and money on diligent efforts to obtain plan endorsement from the State Planning Commission.

Environmental Impact

Although the proposed amendments and new rules re-establish 27 coastal centers in 10 municipalities, thus providing a higher impervious cover limit for proposed development in these areas, the provision in the amendments and new rules to exclude six environmentally sensitive areas (endangered and threatened wildlife species habitat, Natural Heritage Program priority sites, open space, special water resource protection areas, wetlands, and Coastal Critical Environmental Sites) from these higher impervious cover limits will provide for protection of the sensitive resources within the boundaries of these mainland coastal centers.

The proposed amendments and new rules provides an incentive for municipal governments to engage in the State Planning process. Through this process, a municipality considers growth and population trends and other issues that impact, among other things, environmental resources. One purpose of this process is to achieve consistency with the State Development and Redevelopment Plan and conformance with the resource protection standards of the CZM rules. The resultant master plans and zoning ordinances would provide protection of coastal resources in the municipality while accommodating future development needs. The centers identified for development through this process, as well as the environs identified for protection would be reviewed for use in the CZM rules as CAFRA centers and Coastal Planning Areas. Therefore, the planning process would have a positive environmental impact.

Further, the proposed amendments and new rules will continue to preserve the most ecologically sensitive and fragile lands, and high quality agricultural lands from inappropriate

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development. The proposed amendments and new rules incorporate environmental safeguards on development activities through the recognition of Coastal Critical Environmental Sites in the CAFRA area, as well as environmental safeguards designed to protect the coastal resources and water quality of the CAFRA area through exclusion of wetlands, endangered and threatened wildlife species, Natural Heritage Program Priority Sites, and special water resource protection areas from the mainland coastal centers for most CAFRA permit applications in mainland coastal centers.

Federal Standards Statement

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq. require that State agencies which adopt, readopt or amend State regulations that exceed Federal standards or requirements include in the rulemaking document a comparison with Federal law.

The Federal Coastal Zone Management Act (16 U.S.C. 1450 et seq.) was signed into law on October 27, 1972. The Act does not set specific regulatory standards for development in the coastal zone; rather, it provides broad guidelines for states developing coastal management programs. These guidelines are found at 15 C.F.R. Part 923. The guidelines do not specifically address the review standards that should be applied to new coastal development in order to preserve and protect coastal resources and to concentrate the pattern of coastal development. They simply provide a planning and management process, without establishing development standards for development in the coastal area. Therefore, the Department has concluded that the proposed amendments and new rules do not exceed any Federal standards or requirements.

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Jobs Impact

The proposed amendments and new rules are anticipated to foster growth and economic development in the coastal area through the re-establishment of certain coastal centers. This supports both the seasonal and year-round economy. By re-establishing certain coastal centers, the proposed amendments and new rules remedy the inequities of the expiration of the boundaries of coastal centers, thus allowing for new development that will generate employment opportunities that would otherwise be lost or delayed.

Agriculture Industry Impact

The proposed amendments to and new rules in the CZM rules are not expected to impact the agriculture industry in the CAFRA area. The rules will continue to concentrate development and reduce sprawl that consume large amounts of farmland, thus helping preserve farmland for its continued use in agriculture. Further, the proposed amendments and new rules do not change the developments exempt from the impervious cover limits and vegetative requirements under Subchapters 5 and 5B. Therefore, aquaculture will continue to be exempt from these requirements.

Regulatory Flexibility Statement

In accordance with the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., the Department has determined that some of the builders and property that may be affected by the re-establishment of the mainland coastal centers at N.J.A.C. 7:7E-5B.6 are “small businesses” as defined in the Act. However, the Department has determined that the amendments and new rules will not impose additional reporting, recordkeeping or other compliance requirements on small businesses, as defined by the Act.

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The proposed amendments and new rules do not affect whether a project requires a CAFRA permit, and no new reporting or recordkeeping requirement in connection with that permit is proposed. The proposed amendments and new rules will allow development that is proposed in mainland coastal centers to benefit from the higher impervious cover limits afforded to developments in those areas.

Smart Growth Impact

Subchapter 5B of the CZM rules is consistent with the law and policy of New Jersey to promote smart growth and to reduce the negative effects of sprawl and disinvestments in older communities, as described in Executive Order No.4 (2002). The re-establishment of the coastal centers located on the mainland and their boundaries will continue the coordination of the CZM rules with the State Development and Redevelopment Plan by concentrating development in compact growth areas and limiting it in outlying and environmentally sensitive areas.

Since 2000, the Department has sought to make the CZM rules consistent with the growth management policies of the State Plan. The State Plan implements the mandates of the State Planning Act, N.J.S.A. 52:18A- 196 et seq, through a comprehensive set of policies and blends State, regional and local plans into a statewide map depicting growth centers, and areas designated for less intense growth, called planning areas.

The 2000 amendments to the CZM rules adopted Coastal Planning Areas and CAFRA centers that are based on those adopted in the State Plan Policy Map, and are the result of a comprehensive planning process. The growth management policies of the CZM rules promote clustered, compact development patterns, and identify areas where development is consistent with the State Plan, and areas where development should not be supported or encouraged. The CZM rules provide for minimal impervious cover in these areas. Overall, the CZM rules seek the protection and restoration of environmentally sensitive features while guiding and encouraging

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development into centers and planning areas that have the infrastructure systems to accommodate it. The proposed amendments and new rules re-establish certain coastal centers and their boundaries and provide for development opportunities there while enhancing resource protection standards. Those municipalities with coastal centers that have sought to balance growth and resource protection, and that have formally requested to have their master plans endorsed by the State Planning Commission may continue to encourage more intense development in their coastal centers. The proposed amendments and new rules also enable other coastal municipalities to re-establish coastal centers by initiating the Plan Endorsement process. The result of the amendments and new rules will be the continued consistency between the CZM rules, the State Plan, and local master plans.

Full text of the proposal follows (addition indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 5. REQUIREMENTS FOR IMPERVIOUS COVER AND VEGETATIVE COVER FOR GENERAL LAND AREAS AND CERTAIN SPECIAL AREAS

7:7E-5.2 Definitions

In addition to the terms defined at N.J.A.C. 7:7E-1.8, the following words and terms are defined for purposes of this subchapter and N.J.A.C. 7:7E-5A and 5B:

...

“Coastal center” means a center in the CAFRA area with a boundary delineated by the Department for the purpose of applying the requirements for impervious cover and vegetative cover at N.J.A.C. 7:7E-5 and 5B until such time as, in accordance with N.J.A.C. 7:7E-[5B.3]

5B.6, the coastal center expires or, **in accordance with N.J.A.C. 7:7E-5B.3**, the coastal center is

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superseded by a CAFRA center. There are two categories of coastal centers, mainland coastal centers and non-mainland coastal centers. Each of these centers may be further categorized as a coastal regional center, coastal town, coastal village or coastal hamlet.

“Coastal Critical Environmental Site” means a Critical Environmental Site in the CAFRA area with a boundary incorporated by reference in accordance with N.J.A.C. 7:7E-5B.6(h).

...

“Critical Environmental Site” means an area generally less than a square mile which includes one or more environmentally sensitive features located either outside of a planning area classified as environmentally sensitive or within centers located within such planning areas.

...

SUBCHAPTER 5B. IMPERVIOUS COVER LIMITS AND VEGETATIVE COVER PERCENTAGES IN THE CAFRA AREA

7:7E-5B.3 Boundaries for Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes; [Coastal] Non-mainland coastal centers

(a) – (b) (No change.)

(c) If the Department determines under (b) above to accept the State Planning Commission formally approved new or changed Planning Area boundary, community development boundary, or core or node boundary, the accepted new or changed boundary is incorporated by reference as

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the boundary of the Coastal Planning Area, CAFRA center, CAFRA core and CAFRA node, and shall be operative 30 calendar days after the date of publication of the New Jersey Register notice under (b) above. A CAFRA center boundary shall supersede the boundary for a corresponding coastal center, if any, in Appendix 2 or 3, as applicable. CAFRA centers are listed for informational purposes in Appendix [4] 5 of this chapter. As part of the New Jersey Register notice published under (b) above, the Department shall incorporate into Appendix [4] 5 by administrative change the name of each CAFRA center for which the Department has accepted the boundary. However, in order to determine the location of a site with reference to the accepted boundaries of a CAFRA center, CAFRA core, or CAFRA node for purposes of determining the applicable impervious cover limit, an applicant shall refer to the CAFRA Planning Map in accordance with N.J.A.C. 7:7E-5B.4(b).

(d) - (f) (No change.)

(g) The boundaries delineated by the Department for **non-mainland** coastal centers, as defined at N.J.A.C. 7:7E-5.2, are described in [Appendices 2 and] **Appendix 3** of this chapter. **The boundaries for mainland coastal centers are described in Appendix 2 of this chapter.** [The boundaries of the coastal centers in Appendix 2 shall expire on February 7, 2005. On and after February 7, 2005, the impervious cover limits and vegetative cover percentages for all sites in the CAFRA area, except for sites in the coastal centers in Appendix 3, shall be determined in accordance with N.J.A.C. 7:7E-5B.4(c, (e) or (f).]

(h) – (j) (No change.)

7:7E-5B.4 Impervious cover limits for a site in the CAFRA area

(a) – (c) (No change.)

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- (d) [If] **Subject to limitations regarding mainland coastal centers at N.J.A.C. 7:7E-5B.6(g),**
if a site is located in the Coastal Metropolitan Planning Area or in a coastal center, the
impervious cover limit is the limit at (d)1 or 2 below, whichever is higher:
1. – 2. (No change.)
- (e) – (g) (No change.)

N.J.A.C. 7:7E-5B.6 MAINLAND COASTAL CENTERS

(a) On February 7, 2005, the boundaries delineated by the Department for coastal centers not located on barrier islands, oceanfront spits, or peninsulas in the CAFRA area expired. The expired boundaries for such coastal centers are re-established as the boundaries for mainland coastal centers once all conditions set forth at (b)1 or 2 below are met. The boundaries of mainland coastal centers are described in Appendix 2 of this chapter. The boundaries for coastal centers that expired on February 7, 2005 that do not meet the conditions set forth at (b) below are described in Appendix 4 of this chapter.

(b) A mainland coastal center is established under this section if, as explained at (a) above, the boundaries of the coastal center expired on February 7, 2005 and the coastal center is:

1. Located in a municipality that, prior to July 5, 2005, held a pre-petition meeting with the Office of Smart Growth in accordance with N.J.A.C. 5:85-7.3; or

2. Located in a municipality that:

i. By August 4, 2005, submits to the Office of Smart Growth a resolution of the municipal governing body requesting a pre-petition meeting in accordance with N.J.A.C. 5:85-7.3. The resolution shall identify the expired coastal centers described in Appendix 4 that the

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municipality seeks to re-establish. Only the expired coastal centers identified in the resolution shall be re-established.

ii. Prior to October 15, 2005, holds a pre-petition meeting with the Office of Smart Growth in accordance with N.J.A.C. 5:85-7.3; and

iii. Prior to March 15, 2006, obtains a determination from the Executive Director of the Office of Smart Growth, in accordance with N.J.A.C. 5:85-7.5, that its initial petition for plan endorsement is complete.

(c) The boundaries of the mainland coastal centers established in accordance with (b) above and described in Appendix 2 shall expire in accordance with (c)1 or 2 below, as applicable. On and after the expiration of the mainland coastal centers, the impervious cover limits and vegetative cover percentages for all sites in the CAFRA area, except for sites in the non-mainland coastal centers in Appendix 3 of this chapter, shall be determined in accordance with N.J.A.C. 7:7E-5B.4(c), (e) or (f).

1. On March 15, 2006, if the municipality in which the mainland coastal center is located has not obtained a determination from the Executive Director of the Office of Smart Growth, in accordance with N.J.A.C. 5:85-7.5, that its initial petition for plan endorsement is complete; or

2. On March 15, 2007.

(d) To reflect changes in mainland coastal centers occurring after (the effective date of this rule), the Department shall publish in the New Jersey Register a notice of administrative change when the boundaries of a mainland coastal center are established under (a) and (b) above or expire under (c) above.

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(e) The areas identified at (e)1 through 6 below shall not be considered part of a mainland coastal center, except for purposes of (f) below:

1. Areas mapped as endangered or threatened wildlife species habitat on the Department's Landscape Maps of Habitat for Endangered, Threatened or Other Priority Species. The data are available as a download at the CAFRA Planning Map layers webpage:

www.nj.gov/dep/gis/CAFRAlayers.htm;

2. Areas mapped as Natural Heritage Program priority sites, excluding those lands within the boundaries of these sites mapped in the URBAN lands layer extracted from the most recent NJDEP Land Use/Land Cover GIS data set. Both the Natural Heritage Program priority site data and the URBAN lands data are available as a download at the CAFRA Planning Map layers webpage: www.nj.gov/dep/gis/CAFRAlayers.htm;

3. Land that is owned by Federal, State, county or municipal agencies or conservation organizations and dedicated to recreation, conservation of natural resources, wildlife protection, or wildlife management;

4. Special water resource protection areas along a Category One water established under the Stormwater Management rules, N.J.A.C. 7:8. Surface waters that are designated Category One are listed in the Surface Water Quality Standards at N.J.A.C. 7:9B;

5. Wetlands as defined at N.J.A.C. 7:7E-3.27; and

6. Areas identified as Coastal Critical Environmental Sites. The data are available as a download at the CAFRA Planning Map layers webpage: www.nj.gov/dep/gis/CAFRAlayers.htm.

(f) For purposes of any CAFRA permit application that was received by the Department prior to February 7, 2005, assigned an agency project number pursuant to N.J.A.C. 7:7-4.4(a)1i or ii, and proposes a development in a mainland coastal center established in

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accordance with (b) above that has not expired pursuant to (c) above, the impervious cover limits and vegetative cover percentages shall be determined in accordance with N.J.A.C. 7:7E-5B.4(d) and 5B.5, respectively, provided the CAFRA permit application is complete for final review pursuant to N.J.A.C. 7:7-4.6 prior to March 15, 2006.

(g) For purposes of any CAFRA permit application that was received by the Department after February 6, 2005 and proposes a development in a mainland coastal center established in accordance with (b) above that has not expired pursuant to (c) above:

1. The impervious cover limits and vegetative cover percentages for those portions of the site located within the mainland coastal center shall be determined in accordance with N.J.A.C. 7:7E-5B.4(d) and 5B.5, respectively, provided no portion of the proposed development, as defined at N.J.A.C. 7:7E-1.8, is located outside the boundaries of the mainland coastal center, or in one of the areas identified at (e)1 through 6 above.

2. If any portion of the proposed development, as defined at N.J.A.C. 7:7E-1.8, is located outside of the mainland coastal center boundaries, or in one of the areas identified at (e)1 through 6 above, then the impervious cover limits and vegetative cover percentages for the entire development shall be determined in accordance with N.J.A.C. 7:7E-5B.4(e) and 5B.5, respectively, for the appropriate Coastal Planning Area.

(h) For the purposes of (e)5 above, the boundaries of the Critical Environmental Sites on the State Plan Policy Map adopted by the State Planning Commission on March 1, 2001 are incorporated by reference into this subchapter. These boundaries are the boundaries of the Coastal Critical Environmental Sites. Whenever the State Planning Commission formally approves any new or changed Critical Environmental Site boundary within a mainland coastal center, the Department shall evaluate the new or changed boundary to

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determine whether it is consistent with the purposes of the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq., and this chapter. The Department shall not reject, or reject and revise, a boundary unless it finds that accepting the State Planning Commission approved boundary would result in unacceptable harm to the coastal ecosystem or the resources of the built or natural environment, or would otherwise be inconsistent with the purposes of the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq. or this chapter. For those new or changed Critical Environmental Site boundaries located within the Pinelands National Reserve, the Department shall also, in consultation with the New Jersey Pinelands Commission, determine whether the boundaries are consistent with the intent, policies and objectives of the National Parks and Recreation Act of 1978, P.L. 95-625, section 502, creating the Pinelands National Reserve, and the State Pinelands Protection Act of 1979, N.J.S.A. 13:18A-1 et seq. Within 90 calendar days after the date on which the State Planning Commission formally approves such boundary, the Department shall publish in the New Jersey Register a notice of its determination to accept, reject, or reject and revise the boundary for the purposes of (e)above.

1. If the Department accepts the State Planning Commission formally approved new or changed Critical Environmental Site boundary, the accepted new or changed boundary is incorporated by reference as the boundary of the Coastal Critical Environmental Site, and shall be operative 30 calendar days after the date of publication of the New Jersey Register notice under this subsection.

2. If the Department determines under this subsection to reject the State Planning Commission formally approved new or changed Critical Environmental Site boundary, any applicable boundary incorporated by reference under this subsection shall continue to be operative, except as provided under (h)3 below.

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3. The Department may determine under this subsection to reject the State Planning Commission formally approved new or changed Critical Environmental Site boundary and to establish a revised Coastal Critical Environmental Site boundary by promulgating an amendment to this chapter in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. Until the Department promulgates such revised boundary, any applicable Coastal Critical Environmental Site boundary under this subsection shall continue to be operative.

APPENDIX 2

BOUNDARIES OF **MAINLAND** COASTAL CENTERS IN THE CAFRA AREA [NOT LOCATED ON BARRIER ISLANDS, OCEANFRONT SPITS, OR PENINSULAS]

For purposes of N.J.A.C. 7:7E-5 and 5B, this appendix sets forth the boundaries of **mainland** coastal centers in the CAFRA area [other than those on the barrier islands, oceanfront spits, or peninsulas (the boundaries of which are set forth in Appendix 3)]. **The areas listed at N.J.A.C. 7:7E-5B.6(e) shall not be considered part of a mainland coastal center, except for the purposes of N.J.A.C. 7:7E-5B.6(f). The boundaries of the non-mainland coastal centers are set forth in Appendix 3 and the expired boundaries of coastal centers are set forth in Appendix 4. [**

In accordance with N.J.A.C. 7:7E-5.3(c), the impervious cover allowed on a site within a Department-delineated coastal center must be placed on the net land area of the site, as determined under N.J.A.C. 7:7E-5.3(d). The placement of impervious cover on a site in a coastal center may be further restricted by other provisions of this chapter, including the Special Area rules at N.J.A.C. 7:7E-3.

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The Department will update the list of mainland coastal centers in this appendix by notice of administrative change in the New Jersey Register in accordance with N.J.A.C. 7:7E-5B.6(d).

The appendix is organized as follows: Counties are listed alphabetically. Within each county, the municipalities are listed alphabetically. Within each municipality, the **mainland** coastal centers are listed alphabetically.

Maps of the **mainland** coastal centers, for illustration only, may be reviewed at the Department, 401 East State Street, Trenton, New Jersey, (609) 292-1143. In case of any discrepancy between the maps and this text, this text shall govern. Note: When a point is described as being a certain distance from a particular street or railroad right-of-way, that distance is measured from the centerline of the right-of-way of such street or railroad unless otherwise specified. Coastal wetlands maps referenced are listed at N.J.A.C. 7:7-2.2(c) and are available from the Department at the Maps and Publications office, 428 East State Street, PO Box 438, Trenton, New Jersey, (609) 777-1308.

[I. Atlantic County coastal centers

A. Corbin City coastal hamlet

1. The coastal hamlet boundary extends from the southern intersection of State route 50 and Main Street (County route 611), thence a perpendicular distance of 500 feet east from State route 50, thence north along a line that is parallel to and 500 feet east of State route 50 to a point that is a perpendicular distance of 500 feet east of State route 50 at its intersection with Carl Road, thence west along that perpendicular line to State route 50, thence west on Carl Road to a point that is a perpendicular distance of 500 feet west of State route 50, thence south along a line that is parallel to and 500 feet west of State route 50 to Aetna Road, thence east on Aetna Road to

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Main Street (County route 611), and thence south on Main Street (County route 611) to State route 50.

B. Egg Harbor Township coastal centers

1. Egg Harbor coastal town

a. The coastal town boundary extends from the intersection of English Creek Avenue and Schoolhouse Lane, thence south on Schoolhouse Lane to Mays Landinomers Point Road (County route 559), thence southeast on Mays Landinomers Point Road (County route 559) to Steelmanville Road (County route 651), thence east on Steelmanville Road (County route 651) to Robert Best Road, thence northeast on Robert Best Road to a point that is a perpendicular distance of 2,000 feet west of Ocean Heights Avenue, thence south along a line that is parallel to and 2,000 feet west of Ocean Heights Avenue to Steelmanville Road (County route 651), thence west on Steelmanville Road (County route 651) to a point that is a perpendicular distance of 3,000 feet west of Ocean Heights Avenue, thence south along a line that is parallel to and 3,000 feet west of Ocean Heights Avenue to the Garden State Parkway, thence northeast on the Garden State Parkway to Ocean Heights Avenue, thence northwest on Ocean Heights Avenue to a point that is a perpendicular distance of 2,000 feet north of English Creek Avenue, thence west along a line that is parallel to and 2,000 feet north of English Creek Avenue to Evergreen Avenue, thence south on Evergreen Avenue to English Creek Avenue, and thence west on English Creek Avenue to Schoolhouse Lane

2. West Atlantic City coastal town

a. The coastal town boundary extends around that part of Egg Harbor Township that is (1) west of Atlantic City and north of Lakes Bay and (2) designated as Planning Area 5, but excludes any bay islands.

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C. Estell Manor coastal hamlet

1. The coastal hamlet boundary circumscribes an area that extends a perpendicular distance of 300 feet east of State route 50 between a point on State route 50 that is 1,000 feet south of Tuckahoe Road and a point on State route 50 that is 1,000 feet north of Tuckahoe Road.

D. Galloway Township coastal centers

1. Conovertown coastal village

a. The coastal village boundary extends from the intersection of Davis Avenue and the Absecon/Galloway Township municipal boundary, thence east along the municipal boundary to a point that is a perpendicular distance of 300 feet east of US route 9, thence north along a line that is parallel to and 300 feet east of US route 9 to Brown Avenue, thence east on Brown Avenue to a point that is a perpendicular distance of 1,500 feet east of US route 9, thence north along a line that is parallel to and 1,500 feet east of US route 9 to Bartlett Avenue, thence west on Bartlett Avenue to a point that is a perpendicular distance of 300 feet west of US route 9, thence south along a line that is parallel to and 300 feet west of US route 9 to Pennsylvania Avenue, thence west on Pennsylvania Avenue to Marshall Avenue, thence south on Marshall Avenue to a point that is a perpendicular distance of 200 feet north of Brook Avenue, thence west along a line that is parallel to and 200 feet north of Brook Avenue to Seaview Avenue, thence south and southeast on Seaview Avenue to Davis Avenue, and thence south on Davis Avenue to the municipal boundary.

E. Hamilton Township coastal centers

1. Clarkstown coastal hamlet

a. The coastal hamlet boundary extends from the intersection of Gravelly Run Road and Mays Landing-Somers Point Road (County route 559), thence west on Gravelly Run Road to

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Clarkstown Road, thence northwest and north on Clarkstown Road to Old River Road, thence southeast on Old River Road to Mays Landing-Somers Point Road (County route 559), and thence southeast on Mays Landing-Somers Point Road (County route 559) to Gravelly Run Road.

F. Port Republic City coastal centers

1. Chestnut Neck coastal hamlet

a. The coastal hamlet boundary extends from the intersection of the Garden State Parkway and US route 9, thence south on the Garden State Parkway to a point that is 3,000 feet south of the intersection of the Garden State Parkway and US route 9, thence southeast along a line that is perpendicular to the Garden State Parkway to Old New York Road (Chestnut Neck Road), thence northeast on Old New York Road (Chestnut Neck Road) to a point that is 1,400 feet north of the intersection of Old New York Road (Chestnut Neck Road) and US route 9, thence due west to US route 9, and thence north on US route 9 to the Garden State Parkway.

2. Port Republic coastal village

a. The coastal village boundary extends from the intersection of Old New York Road (County route 575) and Adams Avenue, thence west on Adams Avenue to Clarks Landing Road (County route 624), thence northwest on Clarks Landing Road (County route 624) to the Garden State Parkway, thence west on the Garden State Parkway to a point that is a perpendicular distance of 800 feet west of Mill Road, thence south along a line that is parallel to and 800 feet west of Mill Road to Pomona Road, thence west on Pomona Road to Main Street, thence east on Main Street to Old New York Road (County route 575), and thence north on Old New York Road (County route 575) to Adams Avenue.

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G. Weymouth Township coastal centers

1. Belcoville coastal village

a. The coastal village boundary extends from the intersection of State route 50 and Grace Avenue, thence northeast on Grace Avenue to Madden Avenue, thence north on Madden Avenue to Lafayette Street, thence east on Lafayette Street to Grace Avenue, thence east on the same bearing to a point that is a perpendicular distance of 1,200 feet east of State route 50, thence north along a line that is parallel to and 1,200 feet east of State route 50 to Danenhaver Lane, thence west on Danenhaver Lane to State route 50, and thence south on State route 50 to Grace Avenue.

II. Burlington County coastal centers

A. Bass River coastal village

1. The coastal village boundary circumscribes an area that extends a perpendicular distance of 200 feet on either side of US route 9 between the Garden State Parkway and a point on US route 9 that is 2,000 feet east of the Garden State Parkway.]

[III.] **I.** Cape May County coastal centers

A. Dennis Township coastal centers

1. – 6. (No change.)

[B. Lower Township coastal centers

1. Schellenger's Landing coastal town

a. The coastal town boundary circumscribes the island known as Schellenger's Landing, which is bordered by the Cape May Canal, Spicer Creek, Cape Island Creek and Cape May Harbor, but excludes any area seaward of the mean high water line.

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2. Town Bank/North Cape May coastal town

a. The coastal town boundary extends from the intersection of Shore Drive and Pinewood Road, thence east on Pinewood Road to Clubhouse Drive, thence south on Clubhouse Drive to Fernwood Road, thence east on Fernwood Road to Norwood Road, thence south on Norwood Road to Brookdale Road, thence west on Brookdale Road to Clubhouse Drive, thence south on Clubhouse Drive to Delair, thence east on Delair to Oxford, thence south on Oxford to Racetrack, thence south on Racetrack to Town Bank Road, thence southeast on Town Bank Road to Beachhurst Drive, thence north on Beachhurst Drive to Clearwater Drive, thence north on Clearwater Drive to Linda Anne Drive, thence east on Linda Anne Drive to Margaret Drive, thence north on Margaret Drive to Heidi Drive, thence east on Heidi Drive to Bayshore Road (County route 603), thence southwest on Bayshore Road (County route 603) to Fire Lane, thence southeast on Fire Lane to Apple Blossom Drive, thence east on Apple Blossom Drive to Sunnyside Drive, thence south on Sunnyside Drive to a point 200 feet north of Town Bank Road, thence southeast along a line parallel to and 200 feet north of Town Bank Road to Shunpike Road, thence south on Shunpike Road to US route 9, thence west on US route 9 to Adriatic Road, thence south on the same bearing as Adriatic Road to the mean high water line of the Cape May Canal, thence west along the mean high water line to Beach Drive, thence north on Beach Drive, which becomes Shore Drive, and thence north on Shore Drive to Pinewood Road.

3. Villas coastal village

a. The coastal village boundary extends from a point 300 feet north of the intersection of Delaware Avenue and Miami Avenue, thence southeast along a line parallel to and 300 feet north of Miami Avenue to a point 300 feet north of the intersection of Miami Avenue and Peters Road, thence south to the intersection of Miami Avenue and Peters Road, thence southeast a

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perpendicular distance of 500 feet, thence south along a line parallel to and 500 feet east of Peters Road to Tampa Avenue, thence southeast on Tampa Avenue to Pensacola Road, which becomes Princeton Street, thence south on Princeton Street to Bates Avenue, thence west on Bates Avenue to Harvard Avenue, thence south on Harvard Avenue to Caroline Avenue, thence east on Caroline Avenue to Star Avenue, thence south on Star Avenue to Fulling Mill Road, thence west on Fulling Mill road to Bayshore Road, thence south on Bayshore Road to McKinley Road, thence west on McKinley Road to Weaver Avenue, thence south on Weaver Avenue to Edna Avenue, thence west on Edna Avenue to Fourth Avenue, thence southwest on Fourth Avenue to Bybrook Drive, thence southeast on Bybrook Drive to Baywyn Road, thence west on Baywyn Road to Clubhouse Drive, thence south on Clubhouse Drive to Mallow Road, thence west on Mallow Road to Shore Drive, thence north on Shore Drive to Fern Road, thence east on Fern Road to Shore Drive, thence north on Shore Drive to Delview Road, thence east on Delview Road to Bay Drive, thence north on Bay Drive to Wildwood Avenue, then northeast along a straight line to the intersection of Arbor Road and Delaware Bay Drive, thence north on Delaware Bay Drive to Birch Road, thence north along a straight line to the intersection of Cloverdale Avenue and Beach Avenue, thence north on Beach Avenue to Evergreen Avenue, thence north along a straight line to the intersection of Spruce Avenue and Delaware Avenue, thence north on Delaware Avenue to Maryland Avenue, thence west on Maryland Avenue to Delaware Bay Drive, thence north on Delaware Bay Drive, which becomes Millman Lane, thence north on Millman Lane, which becomes Delaware Avenue, and thence north on Delaware Avenue to a point 300 feet north of Miami Avenue.]

[C.] **B.** Middle Township coastal centers

1. – 7. (No change.)

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[D.]C. Upper Township coastal centers

1. – 4. (No change.)

[IV.]II. Cumberland County coastal centers

A. – D. (No change.)

[V.] III. Ocean County coastal centers

[A. Barnegat coastal town

1. The coastal town boundary extends from the intersection of Atlantic Avenue and Main Street (US route 9), thence north on Main Street (US route 9) to Brook Street, thence east on Brook Street to School Street, thence north on School Street to Bay Avenue, thence east on Bay Avenue to Water Street, thence north and northwest on Water Street to Main Street (US route 9), thence northeast on Main Street (US route 9) to Rose Hill Road, thence northwest on Rose Hill Road to Barnegat Boulevard, thence southwest on Barnegat Boulevard to Bay Avenue, thence east on Bay Avenue to Gunning River Road, thence south on Gunning River Road to Atlantic Avenue, and thence southeast on Atlantic Avenue to Main Street (US route 9).

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B. Beachwood Borough coastal town

1. The coastal town boundary extends from a point on the Beachwood Borough/South Toms River municipal boundary that is a perpendicular distance of 125 feet north of Atlantic City Boulevard, thence southeast along a line that is parallel to and 125 feet north of Atlantic City Boulevard to the Pine Beach Borough/Beachwood Borough municipal boundary, thence southwest along the Pine Beach Borough/Beachwood Borough municipal boundary, which becomes the Berkeley Township/Beachwood Borough municipal boundary, to Pinewald Road, thence north on Pinewald Road to Hickory Street, thence northwest on Hickory Street to the Garden State Parkway, and thence north on the Garden State Parkway to Chestnut Street, thence southeast on Chestnut Street to Surf Avenue, thence northeast on Surf Avenue to Admiral Avenue, thence northeast on Admiral Avenue to Central Way, thence northwest on Central Way to the Beachwood Borough/South Toms River municipal boundary, and thence northeast along the Beachwood Borough/South Toms River municipal boundary to a point that is a perpendicular distance of 125 feet north of Atlantic City Boulevard.

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C. Brick Township coastal town

1. The boundary for the southern part of the coastal town extends from the intersection of State route 70 and Cedar Bridge Avenue, thence southeast on Cedar Bridge Avenue to Brick Boulevard, thence north on Brick Boulevard to State route 70, thence northeast on State route 70 to Jack Martin Boulevard, thence northwest on Jack Martin Boulevard to State route 88, thence south a perpendicular distance of 200 feet, thence east along a line that is parallel to and 200 feet south of State route 88 to West Princeton Avenue, thence southeast on West Princeton Avenue to a point that is a perpendicular distance of 600 feet north of State route 70, thence southwest along a line that is parallel to and 600 feet north of State route 70 to a point that is a perpendicular distance of 1,300 feet northeast of Chambers Bridge Road, thence northwest along a line that is parallel to and 1,300 feet northeast of Chambers Bridge Road to the Brick Township/Lakewood Township municipal boundary, thence west and south along the municipal boundary to a point that is a perpendicular distance of 450 feet north of Cedar Bridge Avenue, thence east along a straight line to a point on State route 70 that is 900 feet northeast of Cedar Bridge Avenue, and thence southwest on State route 70 to Cedar Bridge Avenue; and

2. The boundary for the northern part of the coastal town extends from the north end of Hendrickson Avenue, thence southeast along a line that is parallel to Pello Road to State route 70, thence northeast on State route 70 to a point that is a perpendicular distance of 100 feet west of Morris Avenue, thence north along a line that is parallel to and 100 feet west of Morris Avenue to the end of Morris Avenue, thence west along a straight line to the intersection of Hayes Avenue and Sweeney Avenue, thence southwest on Sweeney Avenue to its end, thence southeast along a line perpendicular to Sweeney Avenue to a point that is on an imaginary line extending northeast from, and on the same bearing as, Hendrickson Avenue, and thence southwest to the north end of Hendrickson Avenue.]

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[D.] A. Dover Township coastal centers

1. (No change.)

[E. Eagleswood Township coastal center

1. Staffordville coastal hamlet

- a. The coastal hamlet boundary extends from the intersection of the Stafford Township/Eagleswood Township boundary and the former Central Railroad of New Jersey right-of-way, thence southwest along the railroad right of way a distance of 3,000 feet, thence southeast along a line perpendicular to the railroad right of way to US route 9, thence southeast a perpendicular distance of 500 feet, thence northeast along a line parallel to and 500 feet northwest of US route 9 to Cemetery Road, thence northwest on Cemetery Road to Cedar Lane, thence west on Cedar Lane to the municipal boundary, and thence southeast along the municipal boundary to the former Central Railroad of New Jersey right-of-way.

2. West Creek coastal village

- a. The coastal village boundary extends from a point at the intersection of US route 9 and the municipal boundary of Eagleswood Township and Little Egg Harbor Township southeast along the boundary to a point 1,000 feet east of US route 9, thence northeast along a line that is parallel to and 1,000 feet east of US route 9 to Bay Road (County route 602), thence west on Bay Road (County route 602) to US route 9, thence northeast on US route 9 to a point that is a perpendicular distance of 500 feet north of Silver Lake Drive (Mill Street), thence west along a line that is parallel to and 500 feet north of Silver Lake Drive (Mill Street) to Thomas Avenue, thence southeast on Thomas Avenue to Railroad Avenue (Prospect Avenue), thence southwest on Railroad Avenue (Prospect Avenue) to its intersection with the Eagleswood

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Township municipal boundary with Little Egg Harbor Township, thence southeast along the municipal boundary to its intersection with US route 9.

F. Island Heights coastal town

1. The coastal town boundary extends from the intersection of State route 37 and West End Avenue, thence south on West End Avenue to River Avenue, thence south and east on River Avenue to Simpson Avenue, thence north on Simpson Avenue to Ocean Avenue, thence east on Ocean Avenue to Camp Meeting Avenue, thence south and east on Camp Meeting Avenue to Highland Bend, thence north on Highland Bend to Ocean Avenue, thence east on Ocean Avenue to East End Avenue, thence north on East End Avenue to Vansant Avenue, thence east on Vansant Avenue to Bay Avenue, thence north on Bay Avenue to Thomas Avenue, thence west on Thomas Avenue to East End Avenue, thence north on East End Avenue to Lake Avenue, thence west on Lake Avenue to Central Avenue, thence north on Central Avenue to Garden Avenue, thence east on Garden Avenue to the municipal boundary, and thence north along the municipal boundary to State route 37, and thence west on State route 37 to West End Avenue.

G. Lacey coastal town

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1. The coastal town boundary extends from a point on the Garden State Parkway that is due west of the intersection of Llewellyn Road and Hastings Drive, thence east to that intersection, thence east on Hastings Drive to Portsmouth Drive, thence north on Portsmouth Drive to Canterbury Drive, thence south on Canterbury Road to Sheffield Drive, thence south, east and north on Sheffield Drive to Clearview Street, thence east on Clearview Street to Olds Street, thence south on Olds Street to Kennebec Road, thence south on Kennebec Road to Taylor Lane, thence east on Taylor Lane to the railroad right of way, thence south along the railroad right of way to Old Shore Road, thence due west to a point that is a perpendicular distance of 2,000 feet west of US route 9 (Main Street), thence south along a line that is parallel to and 2,000 feet west of US route 9 (Main Street) to the perimeter road north of the Oyster Creek nuclear power plant, thence west along that perimeter road to a point that is a perpendicular distance of 4,000 feet west of US route 9 (Main Street), thence south along a line that is parallel to and 4,000 feet west of US route 9 (Main Street) to the mean high water line on the north bank of Oyster Creek, thence east along the mean high water line to a point that is a perpendicular distance of 4,000 feet east of US route 9 (Main Street), thence north along a line that is parallel to and 4,000 feet east of US route 9 (Main Street) to the mean high water line on the south bank of the South Branch of the Forked River, thence west along the mean high water line to a point that is a perpendicular distance of 500 feet east of US route 9 (Main Street), thence north along a line that is parallel to and 500 feet east of US route 9 (Main Street) to the mean high water line on the north bank of the Middle Branch of the Forked River, thence east along the mean high water line to the eastern end of the peninsula, thence northeast across the North Branch of the Forked River to the mean high water line on the north bank of the North Branch of the Forked River, thence east along the mean high water line to the upper wetlands boundary, thence north along the upper wetlands boundary to the south bank of Bridge Creek, thence northwest along the mean high water line to a point that is a perpendicular distance of 500 feet east of US route 9 (Main Street), thence north along a line

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that is parallel to and 500 feet east of US route 9 (Main Street) to the mean high water line on the south bank of Cedar Creek, thence west along a straight line to a point on the Garden State Parkway that is a perpendicular distance of 6,000 feet north of Lacey Road, and thence south on the Garden State Parkway to a point that is due west of the intersection of Llewellyn Road and Hastings Drive.

H. Lakehurst coastal town

1. The coastal town boundary extends from the intersection of the Conrail railroad right of way with State route 70, thence east on State route 70 to Brown Avenue, and thence west on Brown Avenue to the Conrail railroad right of way.

I. Lakewood coastal regional center

1. The coastal regional center boundary extends from the intersection of the Conrail railroad right of way and County Line Road (County route 526), thence east on County Line Road to Brook Road, thence south on Brook Road to Ridge Avenue, thence southwest on Ridge Avenue to Somerset Avenue, thence south on Somerset Avenue to Bergen Avenue, thence west on Bergen Avenue to Linden Avenue, thence south on Linden Avenue to Ocean Avenue (State route 88), thence east on Ocean Avenue (State route 88) to Chambers Bridge Road (County route 549), thence south on Chambers Bridge Road to the Garden State Parkway, thence south on the Garden State Parkway to State route 70, thence west on State route 70 to the Lakewood-Dover Township boundary line, thence northwest along the Lakewood-Dover Township boundary line to the Lakewood-Jackson Township boundary line, thence north along the Lakewood-Jackson Township boundary line to the Conrail railroad right of way, and thence northeast along the Conrail railroad right of way to County Line Road.]

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[J.] C. Ocean Township coastal centers

1. (No change.)

[K. Ocean Gate coastal village

1. The coastal village boundary follows the Ocean Gate Borough municipal boundary.

L. Pine Beach coastal town

1. The coastal town boundary follows the Pine Beach Borough municipal boundary, but does not include the area north of the right of way of Riverside Drive.

M. Point Pleasant Beach coastal town

1. The coastal town boundary follows the municipal boundary of Point Pleasant Beach Borough, but does not include Gull Island.

N. Point Pleasant Borough coastal town

1. The coastal town boundary follows the municipal boundary of Point Pleasant Borough.

O. Stafford Township coastal centers

1. Bonnet Island coastal hamlet

- a. The coastal hamlet boundary circumscribes that part of Bonnet Island, which lies between Cedar Bonnet Island and the Borough of Ship Bottom, that lies south of a line that is parallel to and 500 feet north of the westbound lane of State route 72.

2. Mayetta coastal hamlet

- a. The coastal hamlet boundary circumscribes an area that extends a perpendicular distance of 700 feet on either side of US route 9 between a point on US route 9 that is 1,000 feet

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south of the intersection of US route 9 and Lamson Road and a point on US route 9 that is 1,000 feet north of the intersection of US route 9 and Lamson Road.

VI. Salem County coastal centers

A. Elsinboro Township coastal centers

1. Oakwood Beach coastal village

a. The coastal hamlet boundary extends from the intersection of Locust Avenue and Fort Elfsborg-Salem Road (County route 625), thence northeast on Fort Elfsborg-Salem Road (County route 625) to Sinnicksons Landing Road, thence northwest on Sinnicksons Landing Road to Schrier Road, thence west on Schrier Road to Slade Avenue, thence south on Slade Avenue to Country Club Road, thence northwest on Country Club Road to Locust Avenue, and thence southwest and southeast on Locust Avenue to Fort Elfsborg-Salem Road (County route 625).

2. Sinnickson's Landing coastal village

a. The coastal hamlet boundary extends from the intersection of Sinnickson's Landing Road and Tilbury Road (County route 661) thence east on Tilbury Road (County route 661) to Friendship Drive, thence north and west on Friendship Drive to Sinnickson's Landing Road, thence southwest on Sinnickson's Landing Road to a point that is west of, and on the same bearing as, Garden Drive, thence east along that bearing to Garden Drive, and thence east on Garden Drive to Tilbury Road.

B. Lower Alloways Creek Township coastal centers

1. Canton coastal village

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a. The coastal hamlet boundary circumscribes an area that extends a perpendicular distance of 200 feet west of Harmersville-Canton Road (County route 623) between Silver Lake Road and Long Bridge Road.

2. Hancocks Bridge coastal village

a. The coastal village boundary extends from the intersection of Front Street and Locust Island Road (County route 658), thence southeast on Locust Island Road to Alloway Creek Neck Road, thence southwest on Alloway Creek Neck Road to Buttonwood Avenue, thence north on Buttonwood Avenue to Powell Street, thence north on Powell Street to Main Street, thence north on Main Street to Front Street, and thence northeast on Front Street to Locust Island Road (County route 658).

3. Harmersville coastal village

a. The coastal hamlet boundary extends from the intersection of Hancocks Bridgarmersville Road (County route 658) and Harmersvillanton Road (County route 623), thence north on Harmersvillanton Road (County route 623) a distance of 1,500 feet, thence west along a straight line to the intersection of Cuff Road and of Hancocks Bridgarmersville Road (County route 658), thence southwest a perpendicular distance of 200 feet from Hancocks Bridgarmersville Road (County route 658), thence southeast along a line that is parallel to and 200 feet southeast of Hancocks Bridgarmersville Road (County route 658) to a point that is a perpendicular distance of 200 feet west of Harmersvillanton Road (County route 623), thence south a distance of 1,500 feet along a line that is parallel to and 200 feet west of Harmersvillanton Road (County route 623), thence east along a perpendicular line to Harmersvillanton Road (County route 623), and thence north on Harmersvillanton Road (County route 623) to Hancocks Bridgarmersville Road (County route 658).

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C. Mannington coastal hamlet

1. The coastal hamlet boundary circumscribes an area that extends a perpendicular distance of 700 feet west of State route 45 between Newell Street and Old Kings Highway (Hillside Avenue).

D. Quinton coastal village

1. The coastal village boundary extends from the intersection of State route 49 and the mean high water line on the south bank of Alloways Creek (watercourse), thence south on State route 49 to Sickler Street, thence southwest on Sickler Street to New Street, thence northwest on New Street to its end, thence northwest along the same bearing to the mean high water line on the south bank of Alloways Creek (watercourse), and thence east along the mean high water line to State route 49.]

APPENDIX 3

BOUNDARIES OF **NON-MAINLAND** COASTAL CENTERS IN THE CAFRA AREA
[LOCATED ON BARRIER ISLANDS, OCEANFRONT SPITS, OR PENINSULAS]

For purposes of N.J.A.C. 7:7E-5 and 5B, this appendix sets forth the boundaries of **the non-mainland** coastal centers in the CAFRA area [on barrier islands, oceanfront spits, or peninsulas. The boundaries of all other coastal centers are set forth in Appendix 2]. **The boundaries of the mainland coastal centers are set forth in Appendix 2 and the boundaries of coastal centers that expired on February 7, 2005 are set forth in Appendix 4.**

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In accordance with N.J.A.C. 7:7E-5.3(c), the impervious cover allowed on a site within a Department-delineated coastal center must be placed on the net land area of the site, as determined under N.J.A.C. 7:7E-5.3(d). The placement of impervious cover on a site in a coastal center may be further restricted by other provisions of this chapter, including the Special Area rules at N.J.A.C. 7:7E-3.

The appendix is organized as follows: Counties are listed alphabetically. Within each county, the municipalities are listed alphabetically. Within each municipality, the **non-mainland** coastal centers are listed alphabetically.

I. – IV. (No change.)

APPENDIX 4

EXPIRED BOUNDARIES OF COASTAL CENTERS

For purposes of N.J.A.C. 7:7E-5 and 5B, this appendix sets forth the boundaries of the coastal centers in the CAFRA area that expired on February 7, 2005 that have not been re-established as mainland coastal centers or which no longer qualify as mainland coastal centers. See N.J.A.C. 7:7E-5B.6.

The Department will update the list of expired boundaries of coastal centers in this appendix by notice of administrative change as part of the New Jersey Register notice required in N.J.A.C. 7:7E-5B.6(d). The appendix is organized as follows: Counties are listed alphabetically. Within each county, the municipalities are listed alphabetically. Within each municipality, the coastal centers with expired boundaries are listed alphabetically.

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I. Atlantic County expired coastal centers

A. Corbin City expired coastal hamlet

1. The expired coastal hamlet boundary extends from the southern intersection of State route 50 and Main Street (County route 611), thence a perpendicular distance of 500 feet east from State route 50, thence north along a line that is parallel to and 500 feet east of State route 50 to a point that is a perpendicular distance of 500 feet east of State route 50 at its intersection with Carl Road, thence west along that perpendicular line to State route 50, thence west on Carl Road to a point that is a perpendicular distance of 500 feet west of State route 50, thence south along a line that is parallel to and 500 feet west of State route 50 to Aetna Road, thence east on Aetna Road to Main Street (County route 611), and thence south on Main Street (County route 611) to State route 50.

B. Egg Harbor Township expired coastal centers

1. Egg Harbor expired coastal town

a. The expired coastal town boundary extends from the intersection of English Creek Avenue and Schoolhouse Lane, thence south on Schoolhouse Lane to Mays Landinomers Point Road (County route 559), thence southeast on Mays Landinomers Point Road (County route 559) to Steelmanville Road (County route 651), thence east on Steelmanville Road (County route 651) to Robert Best Road, thence northeast on Robert Best Road to a point that is a perpendicular distance of 2,000 feet west of Ocean Heights Avenue, thence south along a line that is parallel to and 2,000 feet west of Ocean Heights Avenue to Steelmanville Road (County route 651), thence west on Steelmanville Road (County route 651) to a point that is a perpendicular distance of 3,000 feet west of Ocean Heights Avenue, thence south along a line that is parallel to and 3,000 feet west of Ocean Heights Avenue to the Garden State Parkway, thence northeast on the Garden State

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Parkway to Ocean Heights Avenue, thence northwest on Ocean Heights Avenue to a point that is a perpendicular distance of 2,000 feet north of English Creek Avenue, thence west along a line that is parallel to and 2,000 feet north of English Creek Avenue to Evergreen Avenue, thence south on Evergreen Avenue to English Creek Avenue, and thence west on English Creek Avenue to Schoolhouse Lane

2. West Atlantic City expired coastal town

a. The expired coastal town boundary extends around that part of Egg Harbor Township that is (1) west of Atlantic City and north of Lakes Bay and (2) designated as Planning Area 5, but excludes any bay islands.

C. Estell Manor expired coastal hamlet

1. The expired coastal hamlet boundary circumscribes an area that extends a perpendicular distance of 300 feet east of State route 50 between a point on State route 50 that is 1,000 feet south of Tuckahoe Road and a point on State route 50 that is 1,000 feet north of Tuckahoe Road.

D. Galloway Township expired coastal centers

1. Conovertown expired coastal village

a. The expired coastal village boundary extends from the intersection of Davis Avenue and the Absecon/Galloway Township municipal boundary, thence east along the municipal boundary to a point that is a perpendicular distance of 300 feet east of US route 9, thence north along a line that is parallel to and 300 feet east of US route 9 to Brown Avenue, thence east on Brown Avenue to a point that is a perpendicular distance of 1,500 feet east of US route 9, thence north along a line that is parallel to and 1,500 feet east of US route 9 to Bartlett Avenue, thence west on Bartlett Avenue to a point that is a

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perpendicular distance of 300 feet west of US route 9, thence south along a line that is parallel to and 300 feet west of US route 9 to Pennsylvania Avenue, thence west on Pennsylvania Avenue to Marshall Avenue, thence south on Marshall Avenue to a point that is a perpendicular distance of 200 feet north of Brook Avenue, thence west along a line that is parallel to and 200 feet north of Brook Avenue to Seaview Avenue, thence south and southeast on Seaview Avenue to Davis Avenue, and thence south on Davis Avenue to the municipal boundary.

E. Hamilton Township expired coastal centers

1. Clarkstown expired coastal hamlet

a. The coastal hamlet boundary extends from the intersection of Gravelly Run Road and Mays Landing-Somers Point Road (County route 559), thence west on Gravelly Run Road to Clarkstown Road, thence northwest and north on Clarkstown Road to Old River Road, thence southeast on Old River Road to Mays Landing-Somers Point Road (County route 559), and thence southeast on Mays Landing-Somers Point Road (County route 559) to Gravelly Run Road.

F. Port Republic City expired coastal centers

1. Chestnut Neck expired coastal hamlet

a. The coastal hamlet boundary extends from the intersection of the Garden State Parkway and US route 9, thence south on the Garden State Parkway to a point that is 3,000 feet south of the intersection of the Garden State Parkway and US route 9, thence southeast along a line that is perpendicular to the Garden State Parkway to Old New York Road (Chestnut Neck Road), thence northeast on Old New York Road (Chestnut Neck Road) to a point that is 1,400 feet north of the intersection of Old New York Road (Chestnut Neck Road)

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and US route 9, thence due west to US route 9, and thence north on US route 9 to the Garden State Parkway.

2. Port Republic expired coastal village

a. The expired coastal village boundary extends from the intersection of Old New York Road (County route 575) and Adams Avenue, thence west on Adams Avenue to Clarks Landing Road (County route 624), thence northwest on Clarks Landing Road (County route 624) to the Garden State Parkway, thence west on the Garden State Parkway to a point that is a perpendicular distance of 800 feet west of Mill Road, thence south along a line that is parallel to and 800 feet west of Mill Road to Pomona Road, thence west on Pomona Road to Main Street, thence east on Main Street to Old New York Road (County route 575), and thence north on Old New York Road (County route 575) to Adams Avenue.

G. Weymouth Township expired coastal centers

1. Belcoville expired coastal village

a. The expired coastal village boundary extends from the intersection of State route 50 and Grace Avenue, thence northeast on Grace Avenue to Madden Avenue, thence north on Madden Avenue to Lafayette Street, thence east on Lafayette Street to Grace Avenue, thence east on the same bearing to a point that is a perpendicular distance of 1,200 feet east of State route 50, thence north along a line that is parallel to and 1,200 feet east of State route 50 to Danenhaver Lane, thence west on Danenhaver Lane to State route 50, and thence south on State route 50 to Grace Avenue.

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II. Burlington County expired coastal centers

A. Bass River expired coastal village

1. The expired coastal village boundary circumscribes an area that extends a perpendicular distance of 200 feet on either side of US route 9 between the Garden State Parkway and a point on US route 9 that is 2,000 feet east of the Garden State Parkway.

III. Cape May County expired coastal centers

A. Lower Township expired coastal centers

1. Schellenger's Landing expired coastal town

a. The expired coastal town boundary circumscribes the island known as Schellenger's Landing, which is bordered by the Cape May Canal, Spicer Creek, Cape Island Creek and Cape May Harbor, but excludes any area seaward of the mean high water line.

2. Town Bank/North Cape May expired coastal town

a. The expired coastal town boundary extends from the intersection of Shore Drive and Pinewood Road, thence east on Pinewood Road to Clubhouse Drive, thence south on Clubhouse Drive to Fernwood Road, thence east on Fernwood Road to Norwood Road, thence south on Norwood Road to Brookdale Road, thence west on Brookdale Road to Clubhouse Drive, thence south on Clubhouse Drive to Delair, thence east on Delair to Oxford, thence south on Oxford to Racetrack, thence south on Racetrack to Town Bank Road, thence southeast on Town Bank Road to Beachhurst Drive, thence north on Beachhurst Drive to Clearwater Drive, thence north on Clearwater Drive to Linda Anne Drive, thence east on Linda Anne Drive to Margaret Drive, thence north on Margaret Drive to Heidi Drive, thence east on Heidi Drive to Bayshore Road

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(County route 603), thence southwest on Bayshore Road (County route 603) to Fire Lane, thence southeast on Fire Lane to Apple Blossom Drive, thence east on Apple Blossom Drive to Sunnyside Drive, thence south on Sunnyside Drive to a point 200 feet north of Town Bank Road, thence southeast along a line parallel to and 200 feet north of Town Bank Road to Shunpike Road, thence south on Shunpike Road to US route 9, thence west on US route 9 to Adriatic Road, thence south on the same bearing as Adriatic Road to the mean high water line of the Cape May Canal, thence west along the mean high water line to Beach Drive, thence north on Beach Drive, which becomes Shore Drive, and thence north on Shore Drive to Pinewood Road.

3. Villas expired coastal village

a. The expired coastal village boundary extends from a point 300 feet north of the intersection of Delaware Avenue and Miami Avenue, thence southeast along a line parallel to and 300 feet north of Miami Avenue to a point 300 feet north of the intersection of Miami Avenue and Peters Road, thence south to the intersection of Miami Avenue and Peters Road, thence southeast a perpendicular distance of 500 feet, thence south along a line parallel to and 500 feet east of Peters Road to Tampa Avenue, thence southeast on Tampa Avenue to Pensacola Road, which becomes Princeton Street, thence south on Princeton Street to Bates Avenue, thence west on Bates Avenue to Harvard Avenue, thence south on Harvard Avenue to Caroline Avenue, thence east on Caroline Avenue to Star Avenue, thence south on Star Avenue to Fulling Mill Road, thence west on Fulling Mill road to Bayshore Road, thence south on Bayshore Road to McKinley Road, thence west on McKinley Road to Weaver Avenue, thence south on Weaver Avenue to Edna Avenue, thence west on Edna Avenue to Fourth Avenue, thence southwest on Fourth Avenue to Bybrook Drive, thence southeast on Bybrook Drive to Baywyn Road, thence west on

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Baywyn Road to Clubhouse Drive, thence south on Clubhouse Drive to Mallow Road, thence west on Mallow Road to Shore Drive, thence north on Shore Drive to Fern Road, thence east on Fern Road to Shore Drive, thence north on Shore Drive to Delview Road, thence east on Delview Road to Bay Drive, thence north on Bay Drive to Wildwood Avenue, then northeast along a straight line to the intersection of Arbor Road and Delaware Bay Drive, thence north on Delaware Bay Drive to Birch Road, thence north along a straight line to the intersection of Cloverdale Avenue and Beach Avenue, thence north on Beach Avenue to Evergreen Avenue, thence north along a straight line to the intersection of Spruce Avenue and Delaware Avenue, thence north on Delaware Avenue to Maryland Avenue, thence west on Maryland Avenue to Delaware Bay Drive, thence north on Delaware Bay Drive, which becomes Millman Lane, thence north on Millman Lane, which becomes Delaware Avenue, and thence north on Delaware Avenue to a point 300 feet north of Miami Avenue.

IV. Ocean County expired coastal centers

A. Barnegat expired coastal town

1. The expired coastal town boundary extends from the intersection of Atlantic Avenue and Main Street (US route 9), thence north on Main Street (US route 9) to Brook Street, thence east on Brook Street to School Street, thence north on School Street to Bay Avenue, thence east on Bay Avenue to Water Street, thence north and northwest on Water Street to Main Street (US route 9), thence northeast on Main Street (US route 9) to Rose Hill Road, thence northwest on Rose Hill Road to Barnegat Boulevard, thence southwest on Barnegat Boulevard to Bay Avenue, thence east on Bay Avenue to Gunning River Road, thence south on Gunning River Road to Atlantic Avenue, and thence southeast on Atlantic Avenue to Main Street (US route 9).

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B. Beachwood Borough expired coastal town

1. The expired coastal town boundary extends from a point on the Beachwood Borough/South Toms River municipal boundary that is a perpendicular distance of 125 feet north of Atlantic City Boulevard, thence southeast along a line that is parallel to and 125 feet north of Atlantic City Boulevard to the Pine Beach Borough/Beachwood Borough municipal boundary, thence southwest along the Pine Beach Borough/Beachwood Borough municipal boundary, which becomes the Berkeley Township/Beachwood Borough municipal boundary, to Pinewald Road, thence north on Pinewald Road to Hickory Street, thence northwest on Hickory Street to the Garden State Parkway, and thence north on the Garden State Parkway to Chestnut Street, thence southeast on Chestnut Street to Surf Avenue, thence northeast on Surf Avenue to Admiral Avenue, thence northeast on Admiral Avenue to Central Way, thence northwest on Central Way to the Beachwood Borough/South Toms River municipal boundary, and thence northeast along the Beachwood Borough/South Toms River municipal boundary to a point that is a perpendicular distance of 125 feet north of Atlantic City Boulevard.

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C. Brick Township expired coastal town

1. The boundary for the southern part of the expired coastal town extends from the intersection of State route 70 and Cedar Bridge Avenue, thence southeast on Cedar Bridge Avenue to Brick Boulevard, thence north on Brick Boulevard to State route 70, thence northeast on State route 70 to Jack Martin Boulevard, thence northwest on Jack Martin Boulevard to State route 88, thence south a perpendicular distance of 200 feet, thence east along a line that is parallel to and 200 feet south of State route 88 to West Princeton Avenue, thence southeast on West Princeton Avenue to a point that is a perpendicular distance of 600 feet north of State route 70, thence southwest along a line that is parallel to and 600 feet north of State route 70 to a point that is a perpendicular distance of 1,300 feet northeast of Chambers Bridge Road, thence northwest along a line that is parallel to and 1,300 feet northeast of Chambers Bridge Road to the Brick Township/Lakewood Township municipal boundary, thence west and south along the municipal boundary to a point that is a perpendicular distance of 450 feet north of Cedar Bridge Avenue, thence east along a straight line to a point on State route 70 that is 900 feet northeast of Cedar Bridge Avenue, and thence southwest on State route 70 to Cedar Bridge Avenue; and

2. The boundary for the northern part of the expired coastal town extends from the north end of Hendrickson Avenue, thence southeast along a line that is parallel to Pello Road to State route 70, thence northeast on State route 70 to a point that is a perpendicular distance of 100 feet west of Morris Avenue, thence north along a line that is parallel to and 100 feet west of Morris Avenue to the end of Morris Avenue, thence west along a straight line to the intersection of Hayes Avenue and Sweeney Avenue, thence southwest on Sweeney Avenue to its end, thence southeast along a line perpendicular to Sweeney Avenue to a point that is on an

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imaginary line extending northeast from, and on the same bearing as, Hendrickson Avenue, and thence southwest to the north end of Hendrickson Avenue.

D. Eagleswood Township expired coastal center

1. Staffordville expired coastal hamlet

a. The expired coastal hamlet boundary extends from the intersection of the Stafford Township/Eagleswood Township boundary and the former Central Railroad of New Jersey right-of-way, thence southwest along the railroad right of way a distance of 3,000 feet, thence southeast along a line perpendicular to the railroad right of way to US route 9, thence southeast a perpendicular distance of 500 feet, thence northeast along a line parallel to and 500 feet northwest of US route 9 to Cemetery Road, thence northwest on Cemetery Road to Cedar Lane, thence west on Cedar Lane to the municipal boundary, and thence southeast along the municipal boundary to the former Central Railroad of New Jersey right-of-way.

2. West Creek expired coastal village

a. The expired coastal village boundary extends from a point at the intersection of US route 9 and the municipal boundary of Eagleswood Township and Little Egg Harbor Township southeast along the boundary to a point 1,000 feet east of US route 9, thence northeast along a line that is parallel to and 1,000 feet east of US route 9 to Bay Road (County route 602), thence west on Bay Road (County route 602) to US route 9, thence northeast on US route 9 to a point that is a perpendicular distance of 500 feet north of Silver Lake Drive (Mill Street), thence west along a line that is parallel to and 500 feet north of Silver Lake Drive (Mill Street) to Thomas Avenue, thence southeast on Thomas Avenue to Railroad Avenue (Prospect Avenue), thence southwest on Railroad Avenue (Prospect Avenue) to its intersection with the

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Eagleswood Township municipal boundary with Little Egg Harbor Township, thence southeast along the municipal boundary to its intersection with US route 9.]

E. Island Heights expired coastal town

1. The expired coastal town boundary extends from the intersection of State route 37 and West End Avenue, thence south on West End Avenue to River Avenue, thence south and east on River Avenue to Simpson Avenue, thence north on Simpson Avenue to Ocean Avenue, thence east on Ocean Avenue to Camp Meeting Avenue, thence south and east on Camp Meeting Avenue to Highland Bend, thence north on Highland Bend to Ocean Avenue, thence east on Ocean Avenue to East End Avenue, thence north on East End Avenue to Vansant Avenue, thence east on Vansant Avenue to Bay Avenue, thence north on Bay Avenue to Thomas Avenue, thence west on Thomas Avenue to East End Avenue, thence north on East End Avenue to Lake Avenue, thence west on Lake Avenue to Central Avenue, thence north on Central Avenue to Garden Avenue, thence east on Garden Avenue to the municipal boundary, and thence north along the municipal boundary to State route 37, and thence west on State route 37 to West End Avenue.

F. Lacey expired coastal town

1. The expired coastal town boundary extends from a point on the Garden State Parkway that is due west of the intersection of Llewellyn Road and Hastings Drive, thence east to that intersection, thence east on Hastings Drive to Portsmouth Drive, thence north on Portsmouth Drive to Canterbury Drive, thence south on Canterbury Road to Sheffield Drive, thence south, east and north on Sheffield Drive to Clearview Street, thence east on Clearview Street to Olds Street, thence south on Olds Street to Kennebec Road, thence south on Kennebec Road to Taylor Lane, thence east on Taylor Lane to the railroad right

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of way, thence south along the railroad right of way to Old Shore Road, thence due west to a point that is a perpendicular distance of 2,000 feet west of US route 9 (Main Street), thence south along a line that is parallel to and 2,000 feet west of US route 9 (Main Street) to the perimeter road north of the Oyster Creek nuclear power plant, thence west along that perimeter road to a point that is a perpendicular distance of 4,000 feet west of US route 9 (Main Street), thence south along a line that is parallel to and 4,000 feet west of US route 9 (Main Street) to the mean high water line on the north bank of Oyster Creek, thence east along the mean high water line to a point that is a perpendicular distance of 4,000 feet east of US route 9 (Main Street), thence north along a line that is parallel to and 4,000 feet east of US route 9 (Main Street) to the mean high water line on the south bank of the South Branch of the Forked River, thence west along the mean high water line to a point that is a perpendicular distance of 500 feet east of US route 9 (Main Street), thence north along a line that is parallel to and 500 feet east of US route 9 (Main Street) to the mean high water line on the north bank of the Middle Branch of the Forked River, thence east along the mean high water line to the eastern end of the peninsula, thence northeast across the North Branch of the Forked River to the mean high water line on the north bank of the North Branch of the Forked River, thence east along the mean high water line to the upper wetlands boundary, thence north along the upper wetlands boundary to the south bank of Bridge Creek, thence northwest along the mean high water line to a point that is a perpendicular distance of 500 feet east of US route 9 (Main Street), thence north along a line that is parallel to and 500 feet east of US route 9 (Main Street) to the mean high water line on the south bank of Cedar Creek, thence west along a straight line to a point on the Garden State Parkway that is a perpendicular distance of 6,000 feet north of Lacey Road, and thence south on the Garden State Parkway to a point that is due west of the intersection of Llewellyn Road and Hastings Drive.

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G. Lakehurst expired coastal town

1. The expired coastal town boundary extends from the intersection of the Conrail railroad right of way with State route 70, thence east on State route 70 to Brown Avenue, and thence west on Brown Avenue to the Conrail railroad right of way.

H. Lakewood expired coastal regional center

1. The expired coastal regional center boundary extends from the intersection of the Conrail railroad right of way and County Line Road (County route 526), thence east on County Line Road to Brook Road, thence south on Brook Road to Ridge Avenue, thence southwest on Ridge Avenue to Somerset Avenue, thence south on Somerset Avenue to Bergen Avenue, thence west on Bergen Avenue to Linden Avenue, thence south on Linden Avenue to Ocean Avenue (State route 88), thence east on Ocean Avenue (State route 88) to Chambers Bridge Road (County route 549), thence south on Chambers Bridge Road to the Garden State Parkway, thence south on the Garden State Parkway to State route 70, thence west on State route 70 to the Lakewood-Dover Township boundary line, thence northwest along the Lakewood-Dover Township boundary line to the Lakewood-Jackson Township boundary line, thence north along the Lakewood-Jackson Township boundary line to the Conrail railroad right of way, and thence northeast along the Conrail railroad right of way to County Line Road.

I. Ocean Gate expired coastal village

1. The expired coastal village boundary follows the Ocean Gate Borough municipal boundary.

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J. Pine Beach expired coastal town

1. The expired coastal town boundary follows the Pine Beach Borough municipal boundary, but does not include the area north of the right of way of Riverside Drive.

K. Point Pleasant Beach expired coastal town

1. The expired coastal town boundary follows the municipal boundary of Point Pleasant Beach Borough, but does not include Gull Island.

L. Point Pleasant Borough expired coastal town

1. The expired coastal town boundary follows the municipal boundary of Point Pleasant Borough.

M. Stafford Township expired coastal centers

1. Bonnet Island expired coastal hamlet

a. The expired coastal hamlet boundary circumscribes that part of Bonnet Island, which lies between Cedar Bonnet Island and the Borough of Ship Bottom, that lies south of a line that is parallel to and 500 feet north of the westbound lane of State route 72.

2. Mayetta expired coastal hamlet

a. The expired coastal hamlet boundary circumscribes an area that extends a perpendicular distance of 700 feet on either side of US route 9 between a point on US route 9 that is 1,000 feet south of the intersection of US route 9 and Lamson Road and a point on US route 9 that is 1,000 feet north of the intersection of US route 9 and Lamson Road.

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V. Salem County expired coastal centers

A. Elsinboro Township expired coastal centers

1. Oakwood Beach expired coastal village

a. The expired coastal hamlet boundary extends from the intersection of Locust Avenue and Fort Elfsborg-Salem Road (County route 625), thence northeast on Fort Elfsborg-Salem Road (County route 625) to Sinnicksons Landing Road, thence northwest on Sinnicksons Landing Road to Schrier Road, thence west on Schrier Road to Slade Avenue, thence south on Slade Avenue to Country Club Road, thence northwest on Country Club Road to Locust Avenue, and thence southwest and southeast on Locust Avenue to Fort Elfsborg-Salem Road (County route 625).

2. Sinnickson's Landing expired coastal village

a. The expired coastal hamlet boundary extends from the intersection of Sinnickson's Landing Road and Tilbury Road (County route 661) thence east on Tilbury Road (County route 661) to Friendship Drive, thence north and west on Friendship Drive to Sinnickson's Landing Road, thence southwest on Sinnickson's Landing Road to a point that is west of, and on the same bearing as, Garden Drive, thence east along that bearing to Garden Drive, and thence east on Garden Drive to Tilbury Road.

B. Lower Alloways Creek Township expired coastal centers

1. Canton expired coastal village

a. The expired coastal hamlet boundary circumscribes an area that extends a perpendicular distance of 200 feet west of Harmersville-Canton Road (County route 623) between Silver Lake Road and Long Bridge Road.

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2. Hancocks Bridge expired coastal village

a. The expired coastal village boundary extends from the intersection of Front Street and Locust Island Road (County route 658), thence southeast on Locust Island Road to Alloway Creek Neck Road, thence southwest on Alloway Creek Neck Road to Buttonwood Avenue, thence north on Buttonwood Avenue to Powell Street, thence north on Powell Street to Main Street, thence north on Main Street to Front Street, and thence northeast on Front Street to Locust Island Road (County route 658).

3. Harmersville expired coastal village

a. The expired coastal hamlet boundary extends from the intersection of Hancocks Bridgarmersville Road (County route 658) and Harmersvillanton Road (County route 623), thence north on Harmersvillanton Road (County route 623) a distance of 1,500 feet, thence west along a straight line to the intersection of Cuff Road and of Hancocks Bridgarmersville Road (County route 658), thence southwest a perpendicular distance of 200 feet from Hancocks Bridgarmersville Road (County route 658), thence southeast along a line that is parallel to and 200 feet southeast of Hancocks Bridgarmersville Road (County route 658) to a point that is a perpendicular distance of 200 feet west of Harmersvillanton Road (County route 623), thence south a distance of 1,500 feet along a line that is parallel to and 200 feet west of Harmersvillanton Road (County route 623), thence east along a perpendicular line to Harmersvillanton Road (County route 623), and thence north on Harmersvillanton Road (County route 623) to Hancocks Bridgarmersville Road (County route 658).

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C. Mannington expired coastal hamlet

1. The expired coastal hamlet boundary circumscribes an area that extends a perpendicular distance of 700 feet west of State route 45 between Newell Street and Old Kings Highway (Hillside Avenue).

D. Quinton expired coastal village

1. The expired coastal village boundary extends from the intersection of State route 49 and the mean high water line on the south bank of Alloways Creek (watercourse), thence south on State route 49 to Sickler Street, thence southwest on Sickler Street to New Street, thence northwest on New Street to its end, thence northwest along the same bearing to the mean high water line on the south bank of Alloways Creek (watercourse), and thence east along the mean high water line to State route 49.

APPENDIX [4]5 (No change in text.)

Based on consultation with staff, I hereby certify that the above statements, including the Federal Standards Analysis addressing the requirements of Executive Order 27 (1994) permit the public to understand accurately and plainly the purposes and expected consequences of these proposed amendments. I hereby authorize this proposal.

Date

BRADLEY M. CAMPBELL, COMMISSIONER
Department of Environmental Protection